

111TH CONGRESS
1ST SESSION

H. R. 2831

To amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require the option of extension of dependent coverage for unmarried, uninsured children under 30 years of age under group health plans and under group and individual health insurance coverage.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2009

Mrs. DAHLKEMPER (for herself, Mr. LANCE, Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. DENT, Mr. SCOTT of Virginia, Mr. HIMES, and Mr. SIRES) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require the option of extension of dependent coverage for unmarried, uninsured children under 30 years of age under group health plans and under group and individual health insurance coverage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Young Adult
3 Healthcare Coverage Act of 2009”.

4 **SEC. 2. REQUIRING THE OPTION OF EXTENSION OF DE-**
5 **PENDENT COVERAGE FOR CERTAIN UNMAR-**
6 **RIED, UNINSURED YOUNG ADULTS.**

7 (a) UNDER GROUP HEALTH PLANS.—

8 (1) EMPLOYEE RETIREMENT INCOME SECURITY
9 ACT OF 1974 AMENDMENTS.—

10 (A) IN GENERAL.—The Employee Retire-
11 ment Income Security Act of 1974 is amended
12 by inserting after section 703 the following new
13 section:

14 **“SEC. 704. REQUIRING THE OPTION OF EXTENSION OF DE-**
15 **PENDENT COVERAGE FOR CERTAIN UNMAR-**
16 **RIED, UNINSURED YOUNG ADULTS.**

17 “(a) IN GENERAL.—A group health plan and a health
18 insurance issuer offering health insurance coverage in con-
19 nection with a group health plan that provides coverage
20 for dependent children shall make available such coverage,
21 at the option of the participant involved, for one or more
22 qualified children (as defined in subsection (b)) of the par-
23 ticipant.

24 “(b) QUALIFIED CHILD DEFINED.—In this section,
25 the term ‘qualified child’ means, with respect to a partici-
26 pant in a group health plan or group health insurance cov-

1 erage, an individual who (but for age) would be treated
 2 as a dependent child of the participant under such plan
 3 or coverage and who—

4 “(1) is under 30 years of age;

5 “(2) is not married;

6 “(3) has no dependents;

7 “(4) is a citizen or national of the United
 8 States; and

9 “(5) is not provided coverage as a participant,
 10 beneficiary, or enrollee (other than under this sec-
 11 tion) under any other creditable coverage (as defined
 12 in section 701(c)(1)).

13 “(c) PREMIUMS.—Nothing in this section shall be
 14 construed as preventing a group health plan or health in-
 15 surance issuer with respect to group health insurance cov-
 16 erage from increasing the premiums otherwise required for
 17 coverage provided under this section.”.

18 (B) CLERICAL AMENDMENT.—The table of
 19 contents of such Act is amended by inserting
 20 after the item relating to section 703 the fol-
 21 lowing new item:

“704. Requiring the option of extension of dependent coverage for certain un-
 married young adults.”.

22 (2) PHSA.—Title XXVII of the Public Health
 23 Service Act is amended by inserting after section
 24 2702 the following new section:

1 **“SEC. 2703. REQUIRING THE OPTION OF EXTENSION OF DE-**
2 **PENDENT COVERAGE FOR CERTAIN UNMAR-**
3 **RIED, UNINSURED YOUNG ADULTS.**

4 “The provisions of section 704 of the Employee Re-
5 tirement Income Security Act of 1974 shall apply to health
6 insurance coverage offered by a health insurance issuer
7 in the individual market in the same manner as they apply
8 to health insurance coverage offered by a health insurance
9 issuer in connection with a group health plan in the small
10 or large group market.”.

11 (b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—
12 Title XXVII of the Public Health Service Act is amended
13 by inserting after section 2745 the following new section:
14 **“SEC. 2746. REQUIRING THE OPTION OF EXTENSION OF DE-**
15 **PENDENT COVERAGE FOR CERTAIN UNMAR-**
16 **RIED YOUNG ADULTS.**

17 “The provisions of section 2703 shall apply to health
18 insurance coverage offered by a health insurance issuer
19 in the individual market in the same manner as they apply
20 to health insurance coverage offered by a health insurance
21 issuer in connection with a group health plan in the small
22 or large group market.”.

23 (c) EFFECTIVE DATES.—

24 (1) GROUP HEALTH PLANS.—

25 (A) IN GENERAL.—The amendments made
26 by subsection (a) shall apply to group health

1 plans for plan years beginning on or after the
2 date that is 90 days after the date of enactment
3 of this Act.

4 (B) SPECIAL RULE FOR COLLECTIVE BAR-
5 GAINING AGREEMENTS.—In the case of a group
6 health plan maintained pursuant to 1 or more
7 collective bargaining agreements between em-
8 ployee representatives and 1 or more employers,
9 any plan amendment made pursuant to a collec-
10 tive bargaining agreement relating to the plan
11 which amends the plan solely to conform to any
12 requirement added by an amendment made by
13 subsection (a) shall not be treated as a termi-
14 nation of such collective bargaining agreement.

15 (2) INDIVIDUAL HEALTH INSURANCE COV-
16 ERAGE.—Section 2746 of the Public Health Service
17 Act, as inserted by subsection (b), shall apply with
18 respect to health insurance coverage offered, sold,
19 issued, renewed, in effect, or operated in the indi-
20 vidual market after the first day of the first month
21 that begins more than 90 days after the date of the
22 enactment of this Act.

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